

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IN RE:	§	
	§	
HIGHPOINT LIFEHOPE SPE, LLC,	§	CASE NO. 22-50929-MMP
	§	
	§	Chapter 11
DEBTOR.	§	

**OBJECTION OF WOODBRANCH HIGHPOINT LLC TO NEW SALE PROCEDURES DATES AND DEADLINES REGARDING EMERGENCY MOTION FOR ORDER RELATING TO EXTENSION OF SALE PROCESS, INCLUDING CONTINUANCE OF MARCH 29, 2023 HEARING ON ASSUMPTION AND ASSIGNMENT OF CERTAIN UNEXPIRED LEASES (RE: DOCKET NO. 226)**

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**TO THE HONORABLE MICHAEL M. PARKER, U.S. BANKRUPTCY JUDGE:**

Woodbranch Highpoint LLC, ground lessor, creditor, and party in interest (“Woodbranch”), files this *Objection of Woodbranch Highpoint LLC to New Sale Procedures Dates and Deadlines* regarding the *Emergency Motion for Order Relating to Extension of sale Process, Including Continuance of March 29, 2023 Hearing on Assumption and Assignment of Certain Unexpired Leases* (Docket No. 226) (“Motion 226”), and in support thereof would show the Court the following.

1. For the reasons stated in the Motion to Dismiss (Docket No. 241) filed by Woodbranch, Woodbranch objects to any further sale processes in this case, because this case should be dismissed, and, therefore, Woodbranch objects to the extension of dates and deadlines in the Motion 226.

2. This case only exists at this point to benefit Capital One and no other party.

3. Capital One has had its chance to conduct a sale from the outset of this case, and more specifically in the last 90-120 days. That chance has concluded without any real or meaningful bids.

4. It is time for this case to conclude and for all involved to avoid (i) further burden, time, and expense for parties, including Woodbranch and the property tenants (Office Ally, SAPDM, and others), (ii) further involvement of the Court in the decision making of this case as may be required under the Code and thus require further expenditure of resources by the parties; (iii) the continued administrative obligations and expenses by the estate over the next several weeks or months; (iv) avoid further unnecessary monitory by the U.S. Trustee that continues for zero benefit of any creditors (especially in light of the Woodbranch matching carveout); and (v) the further expenditure of judicial resources, also for no ultimate benefit to or for a body of creditors.

5. Moreover, this is a zombie case at this point. The Debtor's actions in the case are a mere conduit for Capital One. Mr. Honan hasn't set foot in San Antonio during this entire case, and certainly not in the courtroom. The Debtor is not involved in any day-to-day operations of the property, any decision making about this case at this point, nor the direction and conclusion of this case.

6. Capital One possess adequate remedies outside of bankruptcy to protect its interest and to accomplish exactly what Capital One is getting now, but without the extra burden to and lack of benefit for all the other parties. Zero reason exists for this case to continue.

7. In the unlikely event that this case continues, and/or if any sale process is to continue at all, it must be done at a minimum with Woodbranch having full access to all potential bidders and all information, at all times, and not filtered by Capital One and MCA.

8. Woodbranch will present additional arguments at the April 4 hearing.
9. Woodbranch reserves the right to amend and/or supplement this pleading at any time prior to the hearing.
10. It appears concurrent with the finalization and filing of this objection that Woodbranch has filed a pleading to address going forward revised sale procedures (Docket No. 259), *which 61-page pleading and proposed timetable and proposed order were not associated with Woodbranch prior to filing.*

WHEREFORE, Woodbranch Highpoint LLC respectfully requests that the Court approve no further sale process and/or procedures in this case going forward, and that the Court dismiss this case immediately as set forth in the pending motion(s). Woodbranch requests such other and further relief to which it is entitled at law or in equity.

Dated: April 3, 2023

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth  
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ATTORNEYS FOR  
WOODBANCH HIGHPOINT, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served on February 22, 2023 (1) by electronic notice to all ECF users who have appeared in this case to date (2) by regular mail (without exhibits) to all parties appearing in the attached address list (i.e. mailing matrix) obtained from the Court's PACER facility, as set forth in the attached lists.

**ANY PARTY REQUIRING A FULL-SIZED COPY OF THIS DOCUMENT OR ANY OF THE EXHIBITS SHOULD CONTACT THE UNDERSIGNED.**

/s/ Jeff Carruth

JEFF CARRUTH

**ECF SERVICE LIST**

**22-50929-mmp Notice will be electronically mailed to:**

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0542-5  
Case 22-50929-mmp  
Western District of Texas  
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
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Bexar County  
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San Antonio, TX 78205

Facility Solutions Group Inc  
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Austin, TX 78745

Guaranteed Claim Funding LLC  
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Miami, FL 33131

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

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